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every nation of the world. I may have acquired too high an estimate of the influence of commerce as a civilizer and a peacemaker; but I firmly believe that for bringing peace into the world, we can depend more upon the intelligent selfishness which is brought into activity in the operations of commerce, upon the better acquaintance and the mingling of different peoples, and upon their mutual interests in exchange, than we can upon philosophical discussions. The great difficulty is that nations do not understand one another. You have a prejudice against a nation because you have met a few individuals of it whom you do not like; but when you begin to associate with the people of that nation you find there is as much difference between individuals as among the individuals of your own nation.

Our friend Logan would draw the line at language in the establishment of an international court. I am a great admirer of the English people; I am proud that we have sprung from the loins of the English race. But our nation has many individuals like myself, who have in my veins the blood of seven nationalities. What we want is to wipe out the dividing lines between nations as much as possible, and to stand upon the platform of a common humanity. For that reason, when an alliance with England is spoken of—that grand, noble country—I am inclined to oppose it, lest it should combine under one head the selfishness of two nations. Instead of that, each ought to be a check upon the other. But if we cannot have an alliance we can have friendship; and I thank God that the last few months have wiped out the great store of prejudices which the American people have entertained against our English brethren.

The territorial readjustments which are now going on, in which Russia, Germany, France and England are trying to partition China and Turkey, must be more definitely settled before any great advances can be made in the closer alliance of all the nations. Until these questions are settled each will be tenacious of its privileges and powers. You will understand, from what I have said, that I do not anticipate that we shall see the consummation of our hopes of universal peace, among the nations of the earth, within the short compass of our lives. We must be content to do all that we can, during the few years that are given us in which we may work; while not satisfied, to be contented with partial results.

We must be contented to make compromises where we cannot secure all that we ask. Compromises are often a recognition of prejudices, which disappear upon closer acquaintance and make room for completer results.

If we cannot, during this generation, succeed in establishing a Court of Arbitration, we may by patient effort and watchfulness secure a clearer recognition of the principle and a more frequent resort to the practice of arbitration.

Enthusiasm should not lead us to underestimate the obstacles to be encountered, or to overestimate the value of individual services. We are only a part of the great combination of moral and material forces that will ultimately, in the fulness of time, accomplish the great result. Such associations as this render a service in crystalizing efforts and holding fast the ground that is gained in the contest.

A sense of duty and inclination should lead us to careful, patient service, imitating as far as possible the patience of God, who seems content to work out through many generations the accomplishment of His purposes.

Obstacles to and Reasons for an Arbitration Treaty with England.

BY EVERETT P. WHEELER, OF THE NEW YORK BAR.

Mr. President, Ladies and Gentlemen,—We have been dealing with the general subject of arbitration and a permanent tribunal. We go this evening from the general to the particular. It is not because we would not like to make an arbitration treaty with every civilized nation that we speak to-night, especially of a treaty with England, but because our relations with England are in some respects more intimate than those with any other nation.

To quote the exordium of a Boston lawyer, when he had to follow Rufus Choate, "I can't be as eloquent as my brother Choate, but I will just state a few pints." My first "pint" is that in order to get an arbitration treaty agreed upon it is necessary that there should be sympathy and friendly feeling between the nations that agreed upon it. The main reason why the arbitration treaty which was negotiated by Sir Julian Pauncefote and Mr. Olney, was defeated in this country,—and observe, it was approved by the authorities in Great Britain who were competent to approve it,—was because of a certain prejudice. Some of that same prejudice, it seemed to me, was expressed by one of the speakers this morning.

One reason for this prejudice is in that fruitful source of mischief, the histories that are in our schools. In the outset this country, trying a capital experiment, was obliged to be much shut up within itself, and the doctrines and principles then expressed by our great statesmen were wise for their time. But the practice upon those principles has maintained among us, may I say, although we are not an island, a certain insularity. The fact that we have made it one of the cardinal principles of our diplomacy to abstain from alliances with other countries has led us insufficiently to realize how dependent upon one another the great family of nations has become. While our people as individuals have gone out into all the world and preached the gospel of commerce to every creature, while our cables under the ocean and our steamers upon its surface are everywhere, yet when you talk to the average American in the average community, you find that the story of Lexington and Concord and of the fight between the Constitution and the Guerriere, which we read when in school, is more real to him, and that he is much better informed about these events than about the inestimable benefits that England has conferred upon the civilized world since the days of those bloody encounters. Those are affairs of the past; it is with the present and the future that we have to deal. I would gladly see re-edited school-books that, beside telling us something of the wars and bloodshed of the past, would tell us also and more of the triumphs, no less renowned, that peace has won.

On the field of these peaceful triumphs England and America are contending. To quote the motto of a college society to which I belong: "We contend, but it is as brethren." In that friendly contention, the interests of the mother country and ours are in the main identical. We want to buy from them, and they from us. Each produces what the other has not. In such friendly exchange our true interest lies. Let me tell you, my dear American friends, that unless you can eradicate from your bosoms that mean and petty feeling that a bargain is not a good bargain unless you have got the better of

the man with whom you make it, you will never attain anything in the cause of arbitration. The right bargain is beneficial to both. That is the sort of bargain that is the life of trade, and that really represents that large and liberal spirit of commerce that was spoken of so strongly this morning.

Another matter that has hindered us is the prejudice that grew out of the Civil War. I was rather sorry these quotations were made this morning; but since they were made let me revert to one of them. That English speaker who alluded to "the late Union" spoke of a fact. We were sore, undoubtedly, that the disruption had occurred; it was a bitter thing that there should be a war between the North and the South. But it did for a time break up the union of the states. The Supreme Court, only last Monday,* held that the government which was maintained in Richmond was to all intents and purposes a *de facto* government, to which all persons living within its borders were obliged to submit, and that accordingly a trustee was justified in investing the funds of an estate under his charge in the bonds of that government. Thirty years have passed since then, and it seems to me we can be large minded enough now to recognize the fact that there was a time when the Union was dissevered, that we had to restore it, and that it was, on the whole, a good thing for humanity, for this country, and for other countries, that we succeeded in abolishing the curse of African slavery and restoring the union of the states on a purer and a lasting basis.

Now, since we have made up with our brothers across the Potomac, I hope we are equally ready to make up with our brothers across the Atlantic. Indeed, there are many indications that that blessed time of reconciliation has come. And having made up, let us see if we cannot establish some basis of agreement by which in the future we may be free from those gusts of popular passion which often hurry nations, against their better judgment, into war. England, as well as this country, has a popular government. While we believe with all our hearts in popular governments, yet we know that they have this fault, that they are too liable to be swayed by sudden gusts of popular enthusiasm or rage. It is the function of the English constitution, it is the function of the constitution of the United States to hold this *Demos* in check for a little while, to give him time to think, and not to permit him to embody in action in a moment the emotion that has come into his mighty breast.

Precisely that function, which the constitution performs for one nation, an arbitration treaty performs for the nations which enter into it. Such a treaty should provide what in its nature is a permanent tribunal; that is, a tribunal which, if not always open, can be open, without any new law, whenever occasion arises, so that, when the quarrels of nations arise, as they will arise, the responsible authorities, on the one side and the other, can at once say, "This question we have agreed to submit to this tribunal. Mr. Attorney-General, prepare the case for submission." Thus at once, with delays on one side and checks on the other, the steam blows off in a legitimate channel, instead of exploding and bursting the boiler to pieces.

That, in a word, is the object of an arbitration treaty. I will not speak of the form of the treaty; so much has been said as to make this unnecessary. But I will

*Baldy v. Hunter. Opinion filed May 31, 1898.

answer a question which has been asked in regard to the enforcement of the judgment of such a tribunal. In that matter we have much experience to guide us; there is hardly an instance, among the many arbitrations that have been held between civilized nations, in which there has been an absolute refusal to carry out the award of the court. This has sometimes been irksome, sometimes there has been postponement; but in the end experience shows that the feeling of honor, of regard for plighted faith, is sufficiently strong in the breasts of the civilized world to bring to obedience even the unwilling and the reluctant.

We have another illustration of this law, both in England and in this country, in the settlement by arbitration of disputes between labor and capital. It has sometimes been proposed to make submission to the award of arbitration compulsory in such cases; but the labor unions, as well as the capitalists, have always objected to this. And yet in every instance, so far as memory serves me, those awards have been complied with. There is a sense of honor, a sentiment of conscience, in the breast of man, which, when he has agreed to submit to the decision of a court, is stronger than the arm of the sheriff or the *posse comitatus*, and which enforces obedience. Obedience which is brought about in that way is best of all.

It is therefore with the greatest hope, not perhaps of immediate success, but still with confident hope and assured faith, that we, not at all discouraged by anything which has happened since our last meeting, are prepared to go on in the cause of arbitration.

The Forces Which Make For Peace Between England and America.

BY BISHOP E. G. ANDREWS, D.D.

Mr. Chairman, and Friends,—The proposition under discussion seems to me almost axiomatic. The two great nations sprang from a common stock; the same blood flows in their veins. They have a common history; the memory of centuries long gone by are precious to both of them. They have a common political constitution, for though the one has a queen and the other a president, both are governed by the people and for the people. Of course, this is more perfectly true in England since the Reform Bill of 1832; but the tendency of all English history, during latter centuries has been toward this result. It is said that once Queen Victoria was in conference with Mr. Gladstone, and as he urged upon her some unpalatable measure, she said, "Sir, do you know who I am? I am the Queen of England!" To which he replied, "Madam, do you know who I am? I am the people of England." And the people triumphed.

We have, again, a common jurisprudence; the basis of our law and of its administration is alike. We have a common literature; Spenser and Shakespeare belong to us both. On the same shelves, in either country, you will find Tennyson and Browning with Longfellow and Lowell; Bryce and Green and Hume, with Bancroft and Motley; Chalmers and Liddon with Channing and Brooks. The thoughts that occupy the mind, the feelings that impel the heart are the same in the two nations. We have a common religion, the religion of one God, the Father of all mankind, interpreted variously as to the mode of